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2016 DEC -1 PM 2: 22

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7 Attorneys for the Arizona State Board of Pharmacy

8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 Maricopa County Special Health Care  
12 District, dba Maricopa Integrated Health  
13 System dba Maricopa Medical Center

Board Case No. 16-0027-PHR

**CONSENT AGREEMENT  
FOR CIVIL PENALTY**

14 Pharmacy Permit  
15 No. Y004184 in the  
16 State of Arizona

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18 In the interest of a prompt and judicious settlement of this case, consistent with the  
19 public interest, statutory requirements and the responsibilities of the Arizona State Board  
20 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, and Maricopa County Special  
21 Health Care District dba Maricopa Integrated Health System dba Maricopa Medical  
22 Center ("Respondent"), holder of Pharmacy Permit Number Y004184 in the State of  
23 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
24 of Law and Order ("Consent Agreement") as a final disposition of this matter.  
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1        8. Respondent acknowledges and agrees that, upon signing this Consent  
2 Agreement and returning this document to the Board's Executive Director, it may not  
3 revoke its acceptance of the Consent Agreement or make any modifications to the  
4 document regardless of whether the Consent Agreement has been signed by the  
5 Executive Director. Any modification to this original document is ineffective and void  
6 unless mutually agreed by the parties in writing.

7        9. This Consent Agreement is subject to the approval of the Board and is  
8 effective only when accepted by the Board and signed by the Executive Director. In the  
9 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
10 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
11 any party, except that the parties agree that should the Board reject this Consent  
12 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
13 Board was prejudiced by its review and discussion of this document or any records  
14 relating thereto.

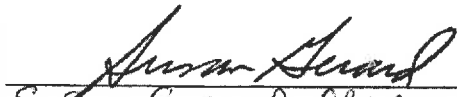
15        10. If a court of competent jurisdiction rules that any part of this Consent  
16 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
17 shall remain in full force and effect.

18        11. Respondent understands that this Consent Agreement is a public record that  
19 may be publicly disseminated as a formal action of the Board and may be reported as  
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
21 Protection Data Bank.

22        12. Respondent understands that any violation of this Consent Agreement  
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
24 1901.01(A) (20), -1927.02(A) (1).

25        13. Respondent agrees that the Board will adopt the following Findings of Fact,  
26 Conclusions of Law and Order.

1 **ACCEPTED AND AGREED BY RESPONDENT**

2   
3 Susan Gerard, Chairman

Dated: 11/21/16

4 Maricopa County Special Health Care District,  
5 dba Maricopa Integrated Health System  
6 dba Maricopa Medical Center

7 **FINDINGS OF FACT**

8 1. The Board is the duly constituted authority for licensing and regulating the  
9 practice of pharmacy in the State of Arizona.

10 2. Respondent is the holder of pharmacy permit No.Y004814 in the State of  
11 Arizona.

12 3. During all times relevant to these findings, Respondent operated as a  
13 pharmacy located at 2601 E. Roosevelt St., Phoenix, Arizona 85008.

14 4. On May 21 and 22, 2013, patient D.C.'s healthcare provider issued an order  
15 for potassium chloride 0.81 meq in sodium chloride 0.9% by 20ml ("medication") to be  
16 administered to patient D.C.

17 5. The medication was prepared and compounded by Richard Tenney,  
18 licensed pharmacy technician. An error was made in the preparation of the infusion.  
19 Specifically, on May 22, 2013, the technician utilized a concentrated 23.4% sodium  
20 chloride solution to mix an IV potassium supplement instead of a 0.9% solution as  
21 ordered for D.C. The supervising pharmacist, Yi-Ming Lee Stalder verified the  
22 ingredients and volumes presented for review but the error was not detected as the  
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1 sodium chloride solution presented was marked 0.9%. and the technician verbally  
2 confirmed the solution.

3 6. The potassium chloride infusion dispensed for D.C. on May 22, 2013,  
4 contained a higher level of sodium than ordered. Within an hour of receiving the infusion,  
5 D.C. become seriously ill and two days later he passed away as a result of the sodium  
6 chloride overdose.  
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### 8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter and over  
10 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

11 2. The Board may discipline a permit holder that has engaged in  
12 unprofessional conduct. A.R.S. § 32-1927.02 (A) (1).

13 3. The conduct and circumstances described above constitutes unprofessional  
14 conduct pursuant to A.R.S. § 32-1901.01(A)(5) (Violating any federal or state law,  
15 administrative rule relating to the manufacture, sale or distribution of drugs, devices,  
16 poisons, hazardous substances or precursor chemicals).

### 17 ORDER

18 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY  
19 ORDERED THAT:

20 1. Respondent shall pay a civil penalty in the amount of \$ 500.00 for the  
21 violations described above. The civil penalty shall be paid in full within sixty (60) days of  
22 the effective date of this Consent Agreement and order. The effective date of this  
23 Consent Agreement and Order is the date that it is signed by the Board's Executive  
24 Director.

25 2. If Respondent violates this Order in any way or fails to fulfill the  
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1 Requirements of this Order, the Board, after giving the Respondent notice and the  
2 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
3 Respondent's license. The issue at such a hearing will be limited solely to whether this  
4 Order has been violated.

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6 DATED this 25<sup>th</sup> day of January, 2016.

7  
8 (Seal)

ARIZONA STATE BOARD OF PHARMACY

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11 By:   
12 Kamlesh Gandhi, PharmD  
Executive Director

13 ORIGINAL OF THE FOREGOING FILED  
this 2<sup>nd</sup> day of February, 2016 with:

14 Arizona State Board of Pharmacy  
1616 W. Adams St.  
15 Phoenix, Arizona 85007

16 EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL  
17 this 2<sup>nd</sup> day of February, 2016 to:

18 Maricopa Medical Center Pharmacy  
19 c/o Linda Carboni  
2601 E. Roosevelt Street  
20 Phoenix, Arizona 85008

21 Fred Cummings  
Dickinson Wright P.L.L.C  
22 1850 N. Central Ave., Ste. 1400  
Phoenix, AZ 85004  
23

24 EXECUTED COPY OF THE FOREGOING MAILED  
25 this 2<sup>nd</sup> day of February, 2016 to:

26 Jeanne M. Galvin  
Assistant Attorney General  
1275 W. Washington Street, SGD/LES

Phoenix, Arizona 85007  
Attorneys for the Board

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